

THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :19925 of 2006

DATED:11-06-2007

BETWEEN:

Vaddi Chandrasekhar.

..... PETITIONER

AND

The Superintendent of Police,
Kakinada,
East Godavari District & 2 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Home appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the respondents in not conducting and apprehending the accused in Cr.No.75 of 2006 on the file of the 3rd respondent, as illegal, arbitrary, and contrary to Rule 7 of the S.Cs and S.Ts (Prevention of Atrocities) Rules.

3. The grievance of the petitioner is that the respondents, without any justification whatsoever, are not completing investigation and filing charge sheet in Cr.No.75 of 2006 on the file of the 3rd respondent-Station House Officer, Rayavaram registered under Sections 323, and 506 IPC and Section 3(1) X of the S.Cs and S.Ts (Prevention of Atrocities) Act (for brevity, 'the Act').

4. Counter has been filed stating that pursuant to the complaint filed by the petitioner a case in Cr.No.75 of 2006 was registered under Sections 323 and 506 IPC and Section 3(1) X of the Act and investigation has been taken up and after completion of investigation it was established that the evidence available on

record has not established about the accusation of the accused and therefore, they are going to file a final report shortly.

5. The said counter has been filed on 11-10-2006 but it is not known what happened after that. Merely because the final report referring the case as 'false' has been filed it need not be accepted by the concerned Magistrate as it is for the learned Magistrate to take appropriate action in accordance with the provisions of Section 159 of the Code of Criminal Procedure. It is open for the petitioner to file a protest application as and when a notice is served on him.

6. Accordingly, the Writ Petition is disposed of. No order as to costs.

V.ESWARAIAH,J

11th June, 2007.

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